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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,878	08/22/2001	Shao-Hua Guo	01-2580A	9259
24114 7590 06/01/2007 LYONDELL CHEMICAL COMPANY 3801 WEST CHESTER PIKE NEWTOWN SQUARE, PA 19073				
			EXAMINER PRICE, ELVIS O	
			ART UNIT 1621	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/934,878

Examiner

Elvis O. Price

Applicant(s)

GUO ET AL.

Art Unit

1621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 17 February 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: This Action is in response to the Reply submitted by Appellants on 2/17/06. Appellants assert in the said reply that contrary to the Supplemental Examiner's Answer filed 12/27/05, which states that the exhibit (i.e., "Principles of Polymerization" by George Odian) was not submitted by Appellants until 3/24/04, the said exhibit was submitted by Appellants as an attachment in the Amendment filed on 9/25/03 (recorded by PTO as 9/29/03). However, the Examiner has checked the record thoroughly and finds that no attachment/exhibit was filed with the claim Amendments filed on 9/25/03 (recorded by PTO as 9/29/03). The Examiner was in error by stating that the exhibit was not submitted by Appellants until 3/24/04--this was an inadvertant oversight by the Examiner. The Examiner meant to report the date of 11/23/03 instead as the date which the exhibit was first made available to the Examiner. In any event, the said exhibit was only available to the Examiner on 11/23/03, which is after prosecution was closed and after the Notice of Appeal was filed (9/29/03). Thus, the said exhibit was not submitted in a timely fashion to comply with the provisions of 37 CFR 1.195 and as a result has not been entered and considered by the Examiner.

